IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA.App.No. 7 of 2004

L.A.R. NO. 179/2000 OF PRINCIPAL SUB COURT,
NORTH PARAVUR.

APPELLANT/1ST RESPONDENT:

STATE OF KERALA, REPRESENTED BY
DISTRICT COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENTS/CLAIMANT & ADDL.2ND RESPONDENT:
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1. **JOY, S/O. VAREED, PALAMATTOM HOUSE,**
   NAYATHODE KARA, ALUVA.

2. **ELSY, W/O. JOY, PALAMATTOM HOUSE,**
   NAYATHODE KARA, ALUVA.

3. **KOCHI INTERNATIONAL AIRPORT SOCIETY,**
   REP. BY ITS MANAGING DIRECTOR.

   BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007, ALONG WITH L.A.A. 116/2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NOs. 7 & 116 OF 2004

Dated this the 24th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

The matters arise out of L.A.R. Nos. 179/2000 and 175/2000 respectively on the file of the Principal Sub Court, North Paravur. The acquisition is for the purpose of Kochi International Airport, Nedumbassery.

2. The reference court has granted land value by granting 96% enhancement to the land value already fixed by the Land Acquisition Officer. According to the appellants and the respondent-requisitioning authority the enhancement is not reasonable; whereas the claimants contend that the enhancement is not sufficient. It is seen from the judgment of the reference court that there is no proper discussion with regard to the evidence already available on record. It is also brought to our notice that in several cases this Court has remitted the matter for fresh consideration by the reference court.

The appellants as well as the respondents pray for an opportunity to adduce evidence before the reference court. In view of the submission as above and taking note of the fact that connected cases have already been remitted to the reference court, we set aside the judgment and decree in L.A.R. Nos. 179/2000 and 175/2000 on the file of the Principal Sub Court, North Paravur and remit the matters to the reference court. The parties will be free to adduce fresh evidence. The references shall be disposed of within a period of six weeks from the date of receipt of a copy of this judgment.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NOs. 7 & 116 OF 2004

J U D G M E N T

24.10.2007